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10 BEFORE THE
11 DIVISION OF MEDICAL QUALITY
12 BOARD OF MEDICAL QUALITY ASSURANCE
13 DEPARTMENT OF CONSUMER AFFAIRS
14 STATE OF CALIFORNIA

15 In the Matter of the Accusation
16 Against:

No. D-3861

17 RICHARD DEAN BUXTON, M.D.
18 2712 Chassella Way
19 Rancho Cordova, CA 95670

DEFAULT DECISION

20 License No. C-041491

21 Respondent.

22 On or about October 20, 1988, the respondent was served
23 with an Accusation in case number D-3861, a Statement to
24 Respondent, Notice of Defense in blank, and copies of relevant
25 sections of the California Administrative Procedure Act, as
26 required by sections 11503 and 11505 of the Government Code.
27 Service was accomplished by certified mail directed to the last
address for respondent on file with the Board of Medical Quality
Assurance. On November 22, 1988, service of the above
described documents was accomplished by regular mail directed to
the last address for respondent on file with the Board of
Medical Quality Assurance.

Respondent Richard D. Buxton, M.D. failed to file a Notice of Defense within the fifteen days allowed by section 11506 of the Government Code. As a result, the default of respondent was entered. Respondent has thereby waived his right to a hearing to contest the Accusation and the Division of Medical Quality now proceeds without hearing to take action based upon the Accusation, declarations and documentary evidence on file in accordance with Government Code sections 11505, subdivision (a), and 11520.

FINDINGS OF FACT

The allegations of the Accusation, a true and correct copy of which is attached and incorporated by reference herein, are found to be true.

DETERMINATION OF ISSUES

Pursuant to the foregoing Findings of Fact, respondent has committed acts constituting unprofessional conduct in violation of Business and Professions Code sections 2234 and 2261.

DISCIPLINARY ORDER

WHEREFORE, the following order is made:

Physician's and surgeon's certificate number C-041491 issued to Richard D. Buxton, M.D. is revoked.

Respondent shall not be deprived of making any further showing by way of mitigation; however, such showing must be made in writing to the Division of Medical Quality, Board of Medical Quality Assurance at 1430 Howe Avenue, Sacramento, California 95825, prior to the effective date of this decision.

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This decision shall become effective on April 21,
1989. IT IS SO ORDERED March 22, 1989.

BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By *Theresa Claassen*

THERESA CLAASSEN
Secretary/Treasurer

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SA88AD0520

EXHIBIT A

1 JOHN K. VAN DE KAMP, Attorney General
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BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

No. D-3861

RICHARD DEAN BUXTON, M.D.
2712 Chassella Way
Rancho Cordova, CA 95670

ACCUSATION

License No. C-041491

Respondent.

Kenneth Wagstaff, the complainant herein, alleges as follows:

1. He is the Executive Director of the Board of Medical Quality Assurance of the State of California (hereinafter the "Board") and makes these allegations in his official capacity as such and not otherwise.

2. On or about July 30, 1984, respondent Richard Dean Buxton, M.D. (hereinafter "respondent") was issued physician and surgeon's certificate number C-041491 under the laws of the State of California. The certificate is presently in full force and effect.

1 3. Section 2234 of the Business and Professions Code
2 (hereinafter the "Code") provides that the Division of Medical
3 Quality of the Board of Medical Quality Assurance shall take
4 action against a holder of a physician and surgeon's certificate
5 who is guilty of unprofessional conduct.

6 4. Section 2261 of the Code provides that knowingly
7 making or signing any certificate or other document directly or
8 indirectly related to the practice of medicine which falsely
9 represents the existence or nonexistence of a state of facts
10 constitutes unprofessional conduct.

11 5. Respondent is subject to disciplinary action pursuant
12 to sections 2234 and 2261 of the Code in that on or about
13 December 10, 1986, he prepared and submitted an application for
14 staff privileges to Merrithew Memorial Hospital and Clinic in
15 which he falsely represented that his privileges at any hospital
16 had never been suspended, diminished, revoked or not renewed.
17 In fact, on or about August 31, 1983, the U.S. Air Force
18 suspended respondent's privileges at Beale Air Force Base
19 Hospital for practicing medicine while intoxicated. Respondent
20 subsequently was discharged from active duty by the Air Force
21 under less than honorable conditions.


22 WHEREFORE, complainant prays that the Division of Medical
23 Quality hold a hearing on the matters alleged herein and
24 following said hearing issue a decision:

25 1. Suspending or revoking the physician and surgeon's
26 certificate issued to Richard D. Buxton, M.D.; and

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1 2. Taking such other and further action as may be
2 proper.

3 DATED: October 20, 1988

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5 KENNETH WAGSTAFF
6 Executive Director
7 Board of Medical Quality Assurance
8 State of California

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Complainant

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